

MINUTES
FORMAL MEETING OF CITY COUNCIL
Diamondhead, Mississippi
Council Chambers, City Hall
October 6, 2015
6:00 pm CST

I. Call to Order –Mayor Schafer called the meeting to order at 6:05 p.m. CST

1. Invocation – Councilmember Knobloch

2. Pledge of Allegiance – Councilmember Rech

3. Roll Call –

Present: Mayor Schafer, Councilmembers Lopez, Knobloch, Sislow and Rech.

Absent: None. Vacancy: Ward 2

4. Confirmation or Adjustment of the Agenda Order – Councilmember Lopez moved, seconded by Councilmember Knobloch, to amend the agenda and approve with the following amendments:

DELETE: 2015-139: Approve contract with ACAD, LLC for Kapalama and Ahekolo drainage projects

REVISE: 2015-147: Reject bids received for drainage improvements Apua and Iona Streets and authorize to re-advertise for the projects

ADD: 2015-149: Rescind prior action whereby bids were awarded for drainage improvement projects for Kapalama Dr. and Ahekolo Circle, reject said bids and approve to re-advertise for the project

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

II. Presentation Agenda

1. Council Comments

- a. The next regularly scheduled Council Meeting will be held at 6:00 p.m. CST on October 20 15, 2015
- b. Cruisin' The Coast "Blessing of the Classics" will be held Wednesday October 7, 2015 from beginning at 3:00 p.m.
- c. Saturday, October 10th from 8 a.m. – 1 p.m. is the Hancock County Household Hazardous Waste Collection at Coast Electric Power Association on Highway 603
- d. Proclaim October 17, 2015 "White Cane Day" in the City. On Saturday, October 17th the Diamondhead Lions Club will host a "Walk for Sight" to raise funds for the Mississippi Lions Sight Foundation
- e. Saturday, October 17th is Coastal Cleanup Day. Contact City Hall for more information.

- f. Proclaim October 2015 Domestic Violence Awareness Month. Present and recognized were Municipal Court Judge Hayes Johnson, John Dawson-City Prosecutor, Lisa McSwain-Court Clerk, Capt. John Luther and Brandon Normand of the Sheriff's Office.
- g. Presentation FY14 Audit – Representatives of Alexander Van Loon Sloan Levens Favre, PLLC Certified Public Accountants

Kim Marmalich of AVL provided the FY14 Audit Report. She reviewed the highlights of the report and stated the City received a "non-modified audit" which is the highest rating given. She further praised the City's financial status explaining the City could operate for 6 months based on current cash reserves. Findings outlined in the report were insignificant and the administration has already put corrective measures in place.

2. City Manager's Report

Special Election:

Two people have qualified to run for the vacant seat in Ward 2. We are now allowing absentee voting. City Hall will be open this Saturday at 8:00 am to noon for absentee voting. The election will be Tuesday, October 13th as scheduled.

Public Works:

Live Oaks, Phase 1 is complete with a final inspection planned for tomorrow morning. Most of the striping has been completed. The Traffic Study has started.

Blessing of the Classics:

Chairman Mark Duffy has done a great job pulling the event together again. The Public Works staff has worked hard to get us ready to look our best and ready to host visitors. The Sheriff's Office, Captain Luther and the Deputies have been very supportive. The commercial business owners are thankful for the change in parking and are more supportive this year. Mr. Grotkowski should be commended for his annual support of the event, he has allowed us to use his property, provided a power pole and has accommodated our every request. We are looking forward to a successful event.

Drainage projects:

Protest of award on Kapalama Drive and Ahecolo Circle and probable protest on Apua and Iona Streets over a requirement in the advertisement and bid specifications as follows: shall require a Contractor to be classified in the following category Highway Street and Bridge Construction by the Mississippi Board of Contractors. The low bidder on both projects doesn't have the certification. After legal review it is our recommendation to the Council to reject the bids on all four projects and vote to re-advertise with amended specifications.

East Hancock Library Closure:

The local library was closed by the Library Board of Directors in Hancock County due to the funding cut made by the Board of Supervisors. Several of us made an appeal to the Board of Supervisors yesterday to discuss keeping the library open but nothing has been done to reverse the decision to date.

DWSD office space:

After meeting with Mr. Nolan and Ms. Depreo for a look around the building a consensus was reached to allow the use of the old sanctuary for the possible relocation of their administrative offices. The potential to modify the front entry to create a drive through makes that a great use of the sanctuary, plus the parking is more convenient and accessible for customers.

The Police Department recap for the month of September was presented.

Also present and presenting an update was the City's Grant Writer, Michele Moore.

3. Public Comments on Agenda Items –

Darrel Kinchen of the POA spoke in favor of the proposed dog park and provided a detailed report outlining its construction, operation and maintenance. He also assured the Council the park would be set in the center of the property to ensure it would not become a nuisance to neighbors.

Laura Colavita spoke in favor of the dog park citing estimated statistics including number of dog owner's in Diamondhead. She stated the park would be beneficial and a valued amenity.

Ms. Colavita then read aloud a letter submitted by Dr. Matthew Moore in favor of the dog park as it related to exercise and health concerns for dogs.

Kathy Norton, acting President of 4-Paws Park Association referenced the P&Z Commission denial of the park to the passing of it the president, Tammy Stagg. She said the Association never got opportunity to submit its final proposal, operation and maintenance plan.

Tina Richards – Agreed with previous comments and stated that socialized dogs are better dogs.

Joe Baker – spoke in opposition of the proposed park location and not the park itself. He is neighbor to proposed site and does not want the dog park in his backyard.

Kathy Wilkinson – spoke in favor of the dog park for a number of reasons including socializing benefits to dogs.

Wendy Hatchett – resident of the Oaks Subdivision agreed with prior comments in support of the park. She also suggested if the City could support kayak and walking trail, it should also support the dog park.

III. Policy Agenda

1. Approval of Minutes

a. September 15, 2015

Councilmember Lopez moved, seconded by Councilmember Sislow, to approve the September 15, 2015 Formal Meeting Minutes

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

2. Code Enforcement

- a. **2015-144:** Case File 201500290 Highpoint Property Owners Association and Gary Sheet filed an application to encroach the required 20' separation distance between townhouse building clusters from the Zoning Ordinance for the construction of a golf cart shed within 10' 10" of the adjacent townhouse (278 Highpoint Drive) - Recommendation is to approve as conditioned.

Councilmember Lopez moved, seconded by Councilmember Knobloch, to concur with the recommendation of the Planning and Zoning Commission and thereby grant a

variance Case File 201500290 Highpoint Property Owners Association and Gary Sheet filed an application to encroach the required 20' separation distance between townhouse building clusters from the Zoning Ordinance for the construction of a golf cart shed within 10' 10" of the adjacent townhouse (278 Highpoint Drive)

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- b. **2015-145:** Case File 2015-00278 Diamondhead Property Owner's Association filed an application for a conditional use permit from Zoning Ordinance (Article 2.5) to allow the use and operation of a dog park. Recommendation is to deny as petitioned.

Councilmember Knobloch moved, seconded by Councilmember Sislow, to table Case File 2015-00278 Diamondhead Property Owner's Association's application for a conditional use permit from Zoning Ordinance

Councilmember Knobloch for the record stated he had spoken to several citizens who expressed concern with regard to the proposed location. Many citizens stated to him that they would not want the proposed park in their back yard. Other concerns were park management, budget, maintenance, resale of adjoining properties and operation with a volunteer committee.

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

3. Ordinances:

- a. **2015-121:** Ordinance 2015-002 Establishing Compensation for Election Clerks, Manager and Other Workers

Councilmember Rech moved, seconded by Councilmember Sislow, to approve Ordinance 2015-002 thereby establishing compensation for Election Clerks, Managers and other workers

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

4. Resolutions:

- a. **2015-137:** Resolution 2015-028 Hancock Bank Treasury Services – revised

Councilmember Rech moved, seconded by Councilmember Sislow, to approve the Treasury Services Authorization Resolution 2015-028 authorizing the City Manager and City Clerk to act as agents on behalf of the City of Diamondhead in the matter of specified services provided by Hancock Bank

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- b. **2015-141**: Resolution 2015-027 Authorize to vacate/abandon two drainage/utility easements between Lots 6 and 7 of Block 1, Diamondhead Sbdv. Phase 2 Unit 11

Councilmember Knobloch moved, seconded by Councilmember Lopez, to adopt Resolution 2015-027 vacating/abandoning two drainage utility easement between Lots 6 and 7 of Block 1, Diamondhead, Sbdv. Phase 2 Unit 11 (Grotkowski)

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- c. **2015-146**: Resolution 2015-029 A text amendment to the Zoning Ordinance allowing Chain Link Fencing in PFR Zoning District

Councilmember Knobloch, moved, seconded by Councilmember Lopez, to approve Resolution 2015-029 thereby amending the Zoning Ordinance to allow Chain Link Fencing in PFR Zoning District

Ayes: None. Nays: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Absent: None.

MOTION FAILED

5. Other Actions:

- a. **2015-132**: Approve to enter into contract with Penn Credit Corporation for collection services

Councilmember Sislow moved, seconded by Councilmember Knobloch, to approve to enter into contract with Penn Credit Corporation for collection services and to authorize City Manager to execute same

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- b. **2015-133**: Approve annual Municipal Compliance Questionnaire

Councilmember Rech moved, seconded by Councilmember Sislow, to accept the Municipal Compliance Questionnaire for the period October 1, 2012 through September 30, 2015 (QUESTIONNAIRE IS REPRODUCED AT THE END OF THESE MINUTES AND MADE A PART THEREOF)

Ayes: Lopez, Knobloch, Sislow and Rech. Nays: Mayor Schafer. Absent: None.

MOTION CARRIED

- c. **2015-134**: Approve annual donation in the amount of \$500.00 to the American Red Cross Southeast Mississippi Chapter

Councilmember Rech moved, seconded by Councilmember Sislow, to approve a donation to the American Red Cross Southeast Mississippi Chapter in the amount of \$500.00 as provided for in Mississippi Code §21-19-57

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- d. **2015-135**: Approve Payment No. 2 in the amount of \$151,621.00 to MOWA Development, LLC for Live Oak Drive Improvements Phase 1

Councilmember Lopez moved, seconded by Councilmember Rech, to approve Payment No. 2 in the amount of \$151,621.00 to MOWA Development, LLC for Live Oak Drive Improvements Phase 1

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- e. **2015-136**: Approve to enter agreement with Municode for ordinance codification and publication

Councilmember Knobloch moved, seconded Councilmember Rech, to approve to enter into agreement with Municode for ordinance codification and publication services and authorize the City Manager to execute contract for same

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- f. **2015-138**: Approve the addition of Positive Pay Services to treasury management services provided by Hancock Bank

Councilmember Rech moved, seconded by Councilmember Knobloch, to approve Positive Pay Services to treasury management services provided by Hancock Bank

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- g. **2015-142**: Approve job descriptions

Councilmember Rech moved, seconded by Councilmember Sislow, to approve the following job descriptions:

NEW POSITIONS (FY 16 Budget)

1. Administrative Support Clerk (part-time)
2. Janitorial/Grounds Keeper

REVISED POSITIONS: (reorganization of existing positions)

1. Geographic Information System Director/.Administrative Specialist
2. Purchase/Accounts Payable Clerk
3. Project Coordinator
4. Executive Assistant

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- h. **2015-143**: Accept 2015 Privilege License Report

Councilmember Rech moved, seconded by Councilmember Lopez, to accept the 2015 Privilege License Report

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- i. **2015-147**: Reject bids received for Apua and Iona Streets Drainage Project and approve to re-advertise for same

Councilmember Rech moved, seconded Councilmember Sislow, to reject bids received for Apua and Iona Streets Drainage Project and approve to readvertise same

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- j. **2015-148**: Interlocal Governmental Cooperation for Development of Regional Fiber Optic Infrastructure for Ultra-High-Speed Internet and Broadband Service, and for related purposes

The Mayor and Council discussed future participation in the Interlocal Agreement

- k. **2015-149**: Rescind action of September 15, 2015 whereby bids whereby the bid for drainage improvements was awarded to Advanced Construction and Development, LLC, reject said bids and approve to re-advertise for same
- l. Councilmember Rech moved, seconded Councilmember Lopez, to rescind action of September 15, 2015 whereby bids whereby the bid for drainage improvements was awarded to Advanced Construction and Development, LLC, reject said bids and approve to re-advertise for same

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

IV. Routine Agenda

- 1. Docket of Claims (Claims DKT151747 thru DKT151795)

Councilmember Rech moved, seconded by Councilmember Lopez, to approve the Docket of Claims (Claims DKT151747 thru DKT151795) as presented

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- 2. Net Payroll, including benefits and taxes, Septmeber 16, 2015 - \$5,998.81

V. Public Comments on Non Agenda Items – None

VI. Adjourn

At 7:55 p.m. CST Councilmember Sislow moved, seconded by Councilmember Lopez, to adjourn.

Ayes: Lopez, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY